
CONTINUATION OF REVIEW OF DIEBOLD VOTING SYSTEMS

Report to the Voting Systems and Procedures Panel

January 15, 2004

Prepared by

Secretary of State Elections Division

Continuation of Review of Diebold Voting Systems

I. BACKGROUND

On October 29, 2003 it came to the attention of the Secretary of State's office that Diebold, in one or more California counties, had installed an uncertified version of Diebold's GEMS software. The Voting Systems and Procedures Panel (VSPP) tabled the Diebold agenda item at the November 3, 2003 meeting pending further investigation and review. At its meeting on November 10, 2003 the VSPP voted to recommend certification of the Diebold TSx voting system, including the GEMS software version 1.18.18, to the Secretary of State with three conditions. Specifically, the conditions were: (1) that Diebold provide funds for an inventory of the hardware, firmware, and software in use and installed in its client counties in California; (2) that Diebold cooperate in the conduct of the inventory; and (3) that Diebold participate in a VSPP hearing on December 16, 2003 to consider the results of the inventory.

At the December 16, 2003 meeting, the VSPP ordered that Diebold should be required to fully absorb the cost and to install the recently certified version of the GEMS software (1.18.18) in all of its California client counties on a timeline established between the individual counties and the Secretary of State's office. The VSPP concluded that although Diebold had met conditions 1 and 3 of the November 10th conditional certification, documentation needed by the state's technical consultant was not received from Diebold until December 11th, which resulted in the need for additional time for review. The VSPP thus felt that condition 2 had not been fully met and therefore tabled discussion on the certification until the January 15, 2004 hearing. The VSPP additionally directed staff to continue the inventory process for the remaining 41 counties. Finally, the VSPP directed staff to review state procedures relating to voting systems including seven specific recommendations.

II. DIEBOLD CERTIFICATION

A. INSTALLATION OF GEMS SOFTWARE 1.18.18

On December 23, 2003 all counties included in the original inventory of Diebold's client counties were notified of the order from the VSPP. Counties were also instructed to notify the Secretary of State once the upgrade to GEMS Version 1.18.18 had been completed.

The upgrade installation was completed by January 5, 2004 with the exception of Los Angeles County. Los Angeles County has 1.18.18.102 installed.

B. REVIEW DOCUMENTATION

Steve Freeman, the state's technical consultant, identified 620 changes between the previously certified GEMS 1.17.17 and GEMS 1.18.18.

Mr. Freeman indicated three points that impeded his ability to analyze the significance of these changes:

- 1) Discrepancies between the release notes provided to the Secretary of State's office on December 11, 2003 and documentation from the Independent Testing

Authorities (ITA's). Diebold has indicated to him that the December 11th document was intended solely as a non-technical summary document.

2) A lack of documentation from Diebold regarding which state or jurisdiction had been the basis for each change to aid him in assessing which may have affected California.

3) A lack of technical support from Diebold. In the early part of his analysis he reported that he was interacting primarily with managers and marketing personnel. He has since been provided direct access to technical personnel who have been made available to work directly with him.

Mr. Freeman believes he will be able to complete the review on or before January 22, 2004.

III. REVIEW OF COUNTY SYSTEMS

On December 22, 2003 a memo was sent to all counties requesting information regarding their voting system components as well as their policies and procedures associated with that system. All counties, regardless of whether they participated in the original inventory were asked to submit their written policies and procedures, however counties who participated in the original Diebold inventory were not required to submit information on their voting system components.

As of January 13, 2004, twenty-five of the counties had responded and provided information on their voting system components. Ten counties have provided written policies and procedures.

The Secretary of State has finalized its contract with R&G Consultants to inventory the voting systems in the remaining 41 counties and to review the policies and procedures in all 58 counties, as available.

R&G is in the process of meeting with individual vendors to familiarize themselves with the individual voting systems.

R&G will begin on-site reviews next week, the week of January 19th.

IV. OTHER VSPP DIRECTIVES

The VSPP asked staff to go forward with implementing and/or outlining the staff recommendations from the previous hearing :

1. Biannual Review of County Voting Systems

R & G will be developing a process and schedule of County Reviews ensuring that each county voting system and including procedures is reviewed bi-annually. This process and schedule will be developed once the baseline reviews are completed.

2. Random Audits –Parallel testing

Under a new contract, R&G is currently working on developing the procedures and appropriate protocols in order to implement this for the March 2, 2004 election.

3. Voting System Accounting Process

Under a new contract, R&G will work with Secretary of State staff to develop this process.

4. Distribution of Software for Installation

Under a new contract, R&G will work with Secretary of State staff to develop this process.

5. Pollworker Training Program

Secretary of State staff is currently reviewing similar programs and will develop this process and provide a proposal at a later date. R&G is willing to provide assistance.

6. Technical Oversight Committee

Secretary of State staff is currently developing a proposal for review by the VSPP and the Secretary of State.

7. Voting System Security Fund

This item is currently under legal review.

8. Transmit a Comprehensive Letter to Each County

This has been completed. A letter was sent detailing the information and documentation required for on-site county reviews.

9. On-Site County Review

R&G will schedule in a manner and within a flexible timeframe that provides access to the appropriate county staff. This is currently being carried out.

10. Revised On-Site County Voting System Review Questionnaire

This has been completed.

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V. PUBLIC COMMENT

As a result of the standard request for public comment, we received a total of fifty-five written comments on the Diebold agenda item. The general consensus of the comments called for either full or partial decertification of Diebold voting systems. Examples of these comments are included in the briefing binders.